

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 26830 of 1997

Between:

- 1 P.Hari Hara Prasad, Quarter No.Is-43(Previous IC-214),
R/o.Erram Manzil Colony, Hyderabad.
- 2 C.Niranjan Rao, Qr.No.IC-149,
R/o.Erram Manzil Colony, Hyderabad.
- 3 M.Visweswara Rao, Qr.No.IC-203,
R/o.Erram Manzil Colony, Hyderabad.
- 4 A.S.Rukmangadha Rao, Qr.No.IC-23,
R/o.Erram Manzil Colony, Hyderabad.
- 5 P.Srinivasulu, Qr.No.IC-4,
R/o.Erram Manzil Colony, Hyderabad.
- 6 James, Qr.No.IC-1,
R/o.Erram Manzil Colony, Hyderabad.
- 7 A.Subba Rao, Qr.No.IC-2,,
R/o.Erram Manzil Colony, Hyderabad.
- 8 N.Harinath, Qr.No.IS-55,
R/o.Erram Manzil Colony, Hyderabad.
- 9 R.D.Devi, Qr.No.IS-55,
R/o.Erram Manzil Colony, Hyderabad.
- 10 S.A.Balasubrahmanyam, Qr.No.IC-189,
R/o.Erram Manzil Colony, Hyderabad.
- 11 K.Surendra babu, QR.No.IS-41(PreviousIC-56),
R/o.Erram Manzil Colony, Hyderabad.
- 12 Ch.Nagamalleswara rao, Qr.No.IC-164
R/o.Erram Manzil Colony, Hyderabad.
- 13 S.Srinivasa Rao, Qr.No.IS-62
R/o.Erram Manzil Colony, Hyderabad.
- 14 D.Seshagiri Rao, Qr.No.IC-73
R/o.Erram Manzil Colony, Hyderabad.
- 15 K.B.Latha, Qr.No.IC-77(Previous IC-134),
R/o.Erram Manzil Colony, Hyderabad.
- 16 A.Sangameswara Rao, Qr.No.IC-177,
R/o.Erram Manzil Colony, Hyderabad.
- 17 D.Laxmipathy, Qr.No.IC-135,
R/o.Erram Manzil Colony, Hyderabad.

- 18 K.Surya Rao, Qr.No.IS-53.
R/o.Erram Manzil Colony, Hyderabad.
- 19 K.Sambasiva Rao, Qr.No.IC-260
R/o.Erram Manzil Colony, Hyderabad.
- 20 B.V.Prakash, Qr.No.IS-42
R/o.Erram Manzil Colony, Hyderabad.
- 21 P.Raju, Qr.No.IC-25
R/o.Erram Manzil Colony, Hyderabad.
- 22 T.Narayana Reddy, Qr.No.Is-45
R/o.Erram Manzil Colony, Hyderabad.
- 23 M.Krishna Prasad, Qr.No.IC-35
R/o.Erram Manzil Colony, Hyderabad.

..... PETITIONERS

AND

- 1 The Government of Andhra Pradesh, rep.by its Principal Secretary, General Administration Department,(GAD)
Secretariat Buildings, Hyderabad.
- 2 The Government of Andhra Pradesh, rep.by its Principal Secretary, Public Works Department PWD),
Secretariat Buildings , Hyderabad.
- 3 The Hyderabad Metropolitan Water Supply and Sewerage Board, rep.by its Managing Director, Hyderabad.
- 4 The Executive Engineer, The Hyderabad Metropolitan Water Supply and Sewerage Board, Khairatabad,
Hyderabad.
- 5 The Dy.Executive Engineer, The Hyderabad Metropolitan Water Supply and Sewerage Board, Maintenance Division-VI
Banjara Hills, Hyderabad.
- 6 The DY.Executive Engineer, The Hyderabad Metropolitan Water Supply and Sewerage Board, Sub-Division No.4, Division No.6
Hyderabad.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order, or direction more particularly in the nature of writ of Mandamus declaring the impugned demand of the Respondents to pay more than Rs.120/- per month for supply of water to the petitioners herein up to the date of fixation of new meters including arrears as illegal, void, abinitio and further direct that the demand shall be @ Rs.37/- per month w.e.f 8/91 to 3/93 and @ Rs.53/- per month w.e.f.4/93 to the date of fixation of new meters

Counsel for the Petitioner:MR. P. PRABHAKAR RAO

Counsel for the Respondent No.: MR.S.KISHAN RAO

The Court made the following:

ORDER:

The present writ petition is filed questioning the demand notice issued by the respondents to pay more than Rs.120/- per month for supply of water to the petitioners up to the date of fixation of new meters including arrears and for a consequential direction to the respondents to collect Rs.37/- per month with effect from August 1991 to March 1993 and @ Rs.53/- per month with effect from April, 1993 till the date of fixation of new meters.

The petitioners are allottees of Government Quarters at Erra Manzil Colony, Hyderabad on subsidized rent basis by the first respondent. It is stated that the water charges for the period from

8-8-1991 to March, 1993 were paid @ Rs.37/- and for the period from April, 1993 to May, 1995, the same were paid @ Rs.53/- per month and thereafter the same was enhanced to Rs.120/- per month without any basis. The petitioners contend that maintenance and fixation of the meters is the responsibility of the respondents and for the lapses on the part of the respondents, they cannot be forced to pay the water charges at the enhanced rates. The main contention of the petitioners is that respondents are under an obligation to fix the new meters and to maintain them and they cannot be forced to pay excess water billing on account of defective meters or non-fixation of the meters.

Learned counsel for petitioner submitted that a common representation was made by the residents of Malakapet Colony, Punjagutta Colony (Erra Manzil Colony) and Patigadda Colony dated

13-10-1995 to the Managing Director, Hyderabad Metropolitan Water Works and Sewerage Board, requesting the authorities to issue directions to collect Rs.60/- per month and on considering the said representation, the Managing Director of the Hyderabad Metropolitan Water Supply and Sewerage Board has issued letter No.MD/HWSSB/Govt.Qtrs/Tariff/98 dated 12-3-1998 in respect of Malakpet quarters

fixing the flat rate of Rs.80/- per month till the new meters are fixed. The grievance of the petitioners is that in as much as a common representation dated 13-10-1995 is filed by the residents of quarters in four Government Colonies, namely Malakpet Colony, Punjagutta Colony and Patigadda Colony, passing orders dated 12-3-1998 in respect of Malakpet Colony only, fixing the water charges at Rs. 80/- till the new meters are fixed, is discriminatory.

A counter affidavit was filed on behalf of respondent Nos. 3 to 6 denying the averments made in the writ petition. However, learned Standing Counsel appearing on behalf of Hyderabad Metro Water Supply and Sewerage Board admitted that though the residents of four Government Quarters, made common representation for fixing the water consumption charges, the respondents issued proceedings dated 12-3-1998 fixing the water consumption charges at Rs.80/- till new meters are fixed, only in respect of Malakpet Colony.

Inasmuch as respondent No.3, had passed orders dated 12-3-1998 fixing the water consumption charges for residents of Malakpet Colony alone at Rs.80/- per month till the new meters are fixed, though a common representation was made by the residents of three Government Colonies, namely Erra Manzil, Panjagutta, Patigadda and Malakpet, fixing the water consumption charges only for Malakpet, amounts to discriminating the residents of the other Government Colonies. Hence, I deem it appropriate to dispose of the writ petition directing respondent No.3 to consider the case of the petitioners also and pass appropriate orders in accordance with law, expeditiously, if already not passed.

Accordingly, the writ petition is disposed of. No costs.

N.V.RAMANA,J

4-4-2005

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..... REGISTRAR

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SECTION OFFICER

To

1 The Principal Secretary, Government of Andhra Pradesh,

General Administration Department,(GAD)
Secretariat Buildings, Hyderabad.

2 The Principal Secretary, Government of Andhra Pradesh,

Public Works Department PWD),
Secretariat Buildings , Hyderabad.

3 The Managing Director, Hyderabad Metropolitan Water Supply and
Sewerage Board, Hyderabad.

4 The Executive Engineer, The Hyderabad Metropolitan Water Supply
and Sewerage Board, Khairatabad,Hyderabad.

5 The Dy.Executive Engineer, The Hyderabad Metropolitan Water
Supply and Sewerage Board, Maintenance Division-VI
Banjara Hills, Hyderabad.

6 The DY.Executive Engineer, The Hyderabad Metropolitan Water
Supply and Sewerage Board, Sub-Division No.4, Division No.6
Hyderabad.

7) 2 CD copies

8) 1 CC to MR.PRABHAKAR RAO

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